

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JOSHUA ROSE,

Plaintiff,

v.

Civil Action No. 2:23-cv-00320

WEST VIRIGINA DIVISION OF CORRECTIONS
AND REHABILITATION, BRENDA WARD, GREG ROGERS,
JOHN YOUNG, DERRICK MCKINNEY, SGT. MOORE,
CO II HALL, AND JOHN DOE(S)

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is plaintiff Joshua Rose's Second Motion for Leave to File Amended Complaint (ECF No. 88), filed on October 10, 2024. On October 24, 2024, the defendants, other than Greg Rogers, resisted the motion as both prejudicial and futile. ECF No. 96. Defendant Greg Rogers ("Rogers") did not oppose the motion.

On October 31, 2024, Defendants West Virginia Division of Corrections and Rehabilitation ("WVDCR"), Brenda Ward, John Young, Sgt. Derrick McKinney, Sgt. Moore, CO II Hall and the plaintiff notified the court that the parties had fully settled and compromised. The parties stipulated that WVDCR's Motion to Dismiss Plaintiff's Complaint (ECF No. 43), Defendants John Young, Derrick McKinney, WVDCR, Brenda Ward's Motion to Compel (ECF No.

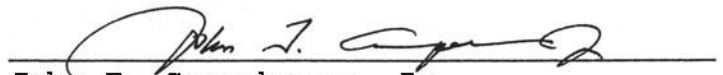
90), and Defendants John Young, Derrick McKinney, WVDCR, Brenda Ward's Motion for Summary Judgment (ECF No. 94) were rendered moot because of the settlement, by virtue of which it is hereby ORDERED that those three motions be, and hereby are, denied as moot without prejudice.

Further, the parties stipulated that plaintiff's Second Motion for Leave to File Amended Complaint (ECF No. 88) is moot as to the claims against the WVDCR defendants, being all defendants except Greg Rogers, and as against the additional party that would have thereby been added as a defendant, Jason Cutlip. On November 22, 2024, defendant Rogers also notified the court that he had settled with the plaintiff. ECF No. 100. Consequently, the plaintiff's Second Motion for Leave to File Amended Complaint (ECF No. 88) is hereby ORDERED denied as moot without prejudice.

The court awaits the submission by all the captioned parties of an order dismissing this action with prejudice.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: December 2, 2024


John T. Copenhaver, Jr.
Senior United States District Judge